

Exhibit 6

*State of California ex. rel. Ven-A-Care of the Florida Keys, Inc. v.
Abbott Laboratories, Inc., et al.*

Exhibit to the Declaration of Nicholas N. Paul in Support of Plaintiffs' Motion for Summary
Judgment as to Defendant Sandoz

NO. D-1-GV-07-001259

THE STATE OF TEXAS) IN THE DISTRICT COURT
)
ex rel.)
VEN-A-CARE OF THE)
FLORIDA KEYS, INC.,)
)
Plaintiffs,)
)
VS.) TRAVIS COUNTY, TEXAS
)
SANDOZ, INC. f/k/a GENEVA)
PHARMACEUTICALS, INC.,)
NOVARTIS PHARMACEUTICAL)
CORP., NOVARTIS AG, EON)
LABS, APOTHECON, INC.,)
)
MYLAN PHARMACEUTICALS, INC.,)
MYLAN LABORATORIES, INC.,)
UDL LABORATORIES, INC.)
)
TEVA PHARMACEUTICALS USA,)
INC., f/k/a LEMMON)
PHARMACEUTICALS, INC.,)
COPLEY PHARMACEUTICALS,)
INC., IVAX PHARMACEUTICALS,)
INC., SICOR PHARMACEUTICALS,)
INC., TEVA NOVOPHARM, INC.,)
and TEVA PHARMACEUTICAL)
INDUSTRIES, LTD.)
Defendants.) 201ST JUDICIAL DISTRICT

ORAL AND DEPOSITION OF

FRANK STIEFEL
VOLUME 2

January 27th, 2009

Cynthia Vohlken, CSR
(512) 364-8166

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL)
INDUSTRY AVERAGE WHOLESALE) MDL No. 1456
PRICE LITIGATION) Master File No.
) 01-12257-PBS
)
THIS DOCUMENT RELATES TO:)
) Judge Patti B. Saris
State of California, ex rel.)
Ven-A-Care v. Abbott) Magistrate
Laboratories, Inc., et al.) Judge Marianne Bowler
Cause No. 03-cv-11226-PBS)

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL)
INDUSTRY AVERAGE WHOLESALE) MDL No. 1456
PRICE LITIGATION) Master File No.
) 01-CV-12257-PBS
)
THIS DOCUMENT RELATES TO:)
) Judge Patti B. Saris
City of New York, et al., v.)
Abbott Laboratories, et al.,)
Civil Action No. 04-cv-06054,)
et al.)

1 THE WITNESS: I'm sorry. Could you
2 restate that?

3 Q. (BY MR. LIBMAN) Sure.

4 The AWP's that Sandoz sets for its
5 drugs --

6 A. Okay.

7 Q. -- were not, in fact, the average prices paid
8 by pharmacies to acquire those drugs, correct?

9 MS. McDEVITT: Objection to form.

10 THE WITNESS: That's correct.

11 Q. (BY MR. LIBMAN) And that's because the true
12 average price paid by retail pharmacies to acquire
13 Sandoz drugs was always less than AWP, correct?

14 MS. McDEVITT: Objection to form.

15 THE WITNESS: Yes. It was less than
16 AWP.

17 Q. (BY MR. LIBMAN) Now, during your time at
18 Geneva/Sandoz, you had access to the net prices that
19 Sandoz customers paid for Sandoz drugs, correct?

20 A. That's correct.

21 Q. And if you wanted to find out the net price
22 that a Sandoz customer, retail pharmacy customer, had
23 paid, how would you go about getting that information?

24 A. I would go to the -- somebody in the
25 contracts or finance group.

1 Q. And I take it that it would be very easy and
2 fast for you to obtain the net pricing information.
3 Is that correct?

4 MS. McDEVITT: Objection to form.

5 THE WITNESS: Fairly, in most cases,
6 yes.

7 Q. (BY MR. LIBMAN) You could do it in less --
8 certainly in less than a day you could get that
9 information, correct?

10 A. That's correct.

11 Q. And that's true for other employees of -- of
12 Geneva/Sandoz during your time there; that is, other
13 employees, for example, the pricing director, whether
14 it be Mr. Rogerson or Mr. Galownia or the VP of
15 marketing, Mr. Worrell, they, too, could obtain net
16 pricing information about Sandoz products just as you
17 could, in less than a day, correct?

18 A. Those three people that you mentioned, yes.

19 Q. Okay. Now, when Sandoz reported prices to
20 First DataBank, which prices did it report? Did it
21 report the AWP's that were not the average prices paid
22 by Sandoz customers, or did they report the net
23 prices?

24 MS. McDEVITT: Objection to form.

25 THE WITNESS: Sandoz?

1 MR. LIBMAN: Yes.

2 THE WITNESS: They -- they reported WAC
3 and AWP.

4 Q. (BY MR. LIBMAN) So they chose not to report
5 the net prices; is that correct?

6 MS. McDEVITT: Objection to form.

7 THE WITNESS: They reported WAC and AWP.

8 Q. (BY MR. LIBMAN) Is the answer to my question
9 "Yes," that Sandoz chose not to report net prices --

10 MS. McDEVITT: Objection to form.

11 Q. (BY MR. LIBMAN) -- to First DataBank?

12 A. I don't know that they chose. They were
13 required and reported -- they reported WAC and AWP.
14 That's what they chose to report, yes.

15 Q. But you understand, don't you, that Sandoz
16 was not required to report any prices to First
17 DataBank, correct?

18 MS. McDEVITT: Objection to form.

19 THE WITNESS: I don't know that that's
20 the case.

21 Q. (BY MR. LIBMAN) So you don't know one way or
22 the other whether there was a requirement to report
23 prices of any kind to First DataBank?

24 MS. McDEVITT: Objection to form.

25 THE WITNESS: There was a -- in order to